IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

RCRev..No. 312 of 2007()

RCA.35/2005 of DISTRICT COURT, ALAPPUZHA
RCP.18/2004 of PRINCIPAL MUNSIFF, ALAPPUZHA
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REVISION PETITIONERS/APPELLANTS/PETITIONERS:
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1. K.SURESH KUMAR, AGED 36,
S/O.KAILASANATHAN NAIR,
KANAL VIEW RESTAURANT,
V.C.S.B.ROAD, MULLAKKAL, ALAPPUZHA.

2. SARASWATHY AMMA, AGED 67,
W/O.KAILASANATHAN NAIR,
K.S.NIVAS, MULLAKKAL, ALAPPUZHA.

3. K.SUDHEESH KUMAR, AGED 32,
S/O.KAILASANATHAN NAIR, KANAL VIEW RESTAURANT,
V.C.S.B. ROAD, MULLAKKAL, ALAPPUZHA.

4. SUNILKUMAR, AGED 38,
S/O.KAILASANATHAN NAIR,
K.S.NIVAS, MULLAKKAL, ALAPPUZHA.

5. SUMA VIJAYAN, AGED 33,
D/O.KAILASANATHAN NAIR,
K.S.NIVAS, MULLAKKAL,
ALAPPUZHA.

BY ADV. SMT.C.G.BINDU
SMT.C.G.AJITHA

JP

RESPONDENTS/RESPONDENTS/COUNTER PETITIONERS:
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1. R.JANARDHANAN PILLAI, BHANUSHUS,
   MULLAKKAL, ALAPPUZHA.

2. SANTHAKUMARI,
   W/O.R.JANARDHANAN PILLAI,
   BHANUSHUS, MULLAKKAL, ALAPPUZHA.

3. J.VINOD PILLAI, S/O.R.JANARDHANAN PILLAI
   BHANUSHUS, MULLAKKAL, ALAPPUZHA.

4. J.PRAMOD PILLAI,
   S/O.R.JANARDHANAN PILLAI,
   BHANUSHUS, MULLAKKAL,
   ALAPPUZHA.

BY

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JP

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

R.C.R. NO.312 OF 2007

Dated 4th October, 2007.

ORDER

Balakrishnan Nair, J.

The tenants are the revision petitioners. They challenge the order in R.C.A. No.35/2005, in which they challenged the order in I.A.No.2831/2005 passed by the Rent Controller in R.C.P.No.18/2004. In the said I.A., the tenants prayed that the rent control proceedings may be kept in abeyance till the disposal of O.S.No.372/2003 on the files of the Additional Munsiff's Court, Alappuzha, filed by them. The Rent Controller dismissed the application. In appeal, the appellate authority held that the said suit is already disposed of and therefore, dismissed the appeal. This revision is filed, pointing out that the said suit is even now pending and therefore, the judgment of the appellate authority is erroneous.

2. But, we notice that the prayer in that suit is against forceful demolition of the tenanted premises and eviction of the tenants, except in accordance with the procedure established by law. The pendency of that

suit does not have any bearing on the rent control proceedings, which were initiated to evict them in accordance with law. The learned counsel for the revision petitioners submitted that in that suit the revision petitioners have raised the dispute regarding the title of the landlords also. We notice that the said point is raised as a preliminary point in the R.C.P and the appellate authority in R.C.A.No.33/2005 has already directed the Rent Controller to decide that point in accordance with law. Therefore, we are of the view that the pendency of the aforementioned suit is not a ground available in law to stall the rent control proceedings. Accordingly, the Rent Control Revision is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/